



**Office of the Clerk
UNITED STATES COURT of APPEALS for the NINTH CIRCUIT
95 Seventh Street,
Post Office Box 193939
San Francisco, California 94119-3939**



Molly Dwyer, Clerk of Court

(415) 355-8000

October 20, 2022

Merrick B. Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Mr. Garland:

In accordance with Federal Rule of Appellate Procedure 44 and 28 U.S.C. § 2403(b), we are certifying to the United States Attorney General a constitutional challenge to a federal statute raised in a pending appeal in which the United States is not a party.

The case is The Estate of Isabella Herndon v. Netflix, Inc., Ninth Circuit docket number 22-15260. The federal statute at issue is the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d), and the Constitution's minimal-diversity requirement. See U.S. Cons. Art. III, § 2.

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